

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2298 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SINGHNATH CHOUBE SEPOY

Versus

INSPECTOR GENERAL OF PRISONS

Appearance:

MR IS SUPEHIA for Petitioner
MR MUKESH A PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/03/2000

ORAL JUDGEMENT

1. Shri Patel prays for adjournment of this matter.
Firstly to file reply to the special civil application
and secondly, to take proper instructions in the matter
from the respondents.

2. I do not find any justification in this prayer made by the learned counsel for the respondents. This petition is of the year 1989 and if the respondents were really desirous of filing reply to the same, then they had more than sufficient time at their disposal to do the needful. It appears that where Gandhinagar has some personal interest in the matter it acts very promptly. In such matters, even caveat is filed to contest the matter at the admission stage. That promptness is not shown in other matters and if we go by the statistics, approximately in 70 to 80% of the matters even the replies are not being filed. It is unfortunate for the State that despite of spending an handsome amount of public money in defending the litigation, this is the defence which has been put by the State Government in the court.

3. The petitioner, a Sepoy in the Jail department of the State of Gujarat by this petition is challenging the action of the respondents of his supersession in promotion to the next higher post of Naik. Juniors were given promotion under the order dated 27th October, 1988. The petitioner has come up with the case that in his service record there is only one adversity i.e. the comments of the reviewing officer for the period from 1-4-1987 to 18-8-1987. The petitioner is also challenging these adverse remarks in this special civil application on manifold grounds.

4. It is a case where the respondents have not filed reply and whatever averments made by the petitioner in the special civil application are to be accepted and accordingly decision has to be given. But in this case, I do not consider it to be appropriate to adopt this course.

5. The interest of justice will be served in case this petition is disposed of in terms that the respondent No.1 is directed to pass a reasoned order and to give out the grounds for which the petitioner has been superseded in the promotion. The respondent No.1 is further directed to state in the order whether after 27th October, 1988, the case of the petitioner for promotion was considered or not. If it is considered then what is the result of those consideration. This exercise has to be undertaken and completed within a period of one month from the date of receipt of writ of this order and copy of the order be sent to the petitioner by registered post A.D.. In case of difficulty, liberty is granted to the petitioner for revival of this special civil application on filing a simple note. Rule and special civil

application stand disposed of accordingly. The State of Gujarat is directed to pay Rs.2000/= as costs of this petition to the petitioner.

zgs/-